

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

PETITION OF

CHICKAHOMINY PIPELINE, LLC

2021 OCT 25 P 3: 26
CASE NO. PUR-2021-00211
SEC. CLERK'S OFFICE
NOTARY CONTROL CENTER

For a declaratory judgment

HEARING EXAMINER'S RULING

October 25, 2021

On September 3, 2021, Chickahominy Pipeline, LLC ("Chickahominy"), filed with the State Corporation Commission ("Commission") a petition for a declaratory judgment ("Petition") pursuant to 5 VAC 5-20-100 of the Commission's Rules of Practice and Procedure. As described by the Petition, Chickahominy was formed to construct, own, and operate a pipeline that would transport natural gas that Chickahominy Power, LLC, would purchase for an electric generation facility in Charles City County, Virginia, from a third-party natural gas provider. In its Petition, Chickahominy requests that the Commission "enter an order declaring that its proposed construction, ownership, and operation of the Pipeline are not subject to the Commission's jurisdiction under Title 56 of the Virginia Code."¹

On September 16, 2021, the Commission issued a Procedural Order that: directed Chickahominy to provide notice of its Petition; allowed any interested person to file a notice of participation as a respondent; established dates for such notices, for the Commission's Staff ("Staff") and any respondent to file responses to the Petition, and for Chickahominy to file its reply to any such response. The Procedural Order also, among other things, assigned a Hearing Examiner to conduct this proceeding and to file a report containing the Hearing Examiner's findings and recommendations.

The following filed timely notices of participation and responses to the Petition: Henrico County; Hanover County; Louisa County; Virginia Natural Gas, Inc. ("VNG"); Concerned Citizens of Charles City County; Hanover Citizens Against A Pipeline; Appalachian Voices; and Chesapeake Bay Foundation.

On September 22, 2021, a Hearing Examiner's Ruling granted a Staff motion to extend the procedural schedule, with October 22, 2021, established as the extended date for Chickahominy's reply. After the respondents and Staff filed responses to the Petition, Chickahominy filed its reply on October 22, 2021.

Henrico County and Hanover County also each requested, among other things, a ruling to schedule discovery and an evidentiary hearing regarding the factual assertions in the Petition. Louisa County concurred with, and joined in, these requests. A Hearing Examiner's Ruling issued on October 6, 2021, expedited the time for filing any responses to the requests for discovery and an evidentiary hearing and any reply thereto. Chickahominy and VNG filed

¹ Petition at 9. The Petition also requests that the Commission: (1) expedite consideration of the Petition and issue an order no later than November 1, 2021; and (2) grant such further relief as the Commission deems appropriate.

responses. On October 22, 2021, Henrico County, Louisa County, and Hanover County filed a joint reply.

Upon consideration of the Petition and other pleadings in this matter, I find that a virtual oral argument on the Petition shall be scheduled. The motions for hearing and to schedule discovery remain under advisement.² Accordingly,

IT IS DIRECTED THAT:

1. An oral argument scheduled to commence on November 3, 2021, at 12 p.m., will be held virtually, via Microsoft Teams ("Teams"), with no party present in the Commission's courtroom.
2. In advance of the oral argument, counsel of record will receive an email invitation that includes a link to participate in the oral argument by Teams. All attorneys who will appear should plan to join the oral argument by Teams at 11:30 a.m. on November 3, 2021, to test their connectivity.
3. The oral argument will be webcast at <https://scc.virginia.gov/pages/Webcasting>.



D. Mathias Roussy, Jr.
Hearing Examiner

The Clerk of the Commission is requested to send a copy of this Ruling to all persons on the official Service List in this matter. The Service List is available from the Clerk of the Commission, c/o Document Control Center, 1300 East Main Street, First Floor, Tyler Building, Richmond, VA 23219.

² While parties and Staff may address the pending motions during the November 3, 2021 oral argument, any such argument should be presented in conjunction with argument on the Petition. For judicial economy, the order of presentation should be Petitioner-Respondents-Staff-Petitioner without separate argument on the pending motions.